

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION AT COLUMBUS**

IN RE: OHIO EXECUTION  
PROTOCOL LITIGATION

: Case No. 2:11-cv-1016

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District Judge Edmund A. Sargus, Jr.

: Magistrate Judge Michael R. Merz

This document relates to Plaintiffs Cleveland  
Jackson, James Hanna, and Melvin Bonnell :

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**ORDER DENYING MOTION TO STAY WITHOUT PREJUDICE**

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This consolidated § 1983 method of execution case is before the Court on Defendants' Motion to Stay the United States Magistrate Judge's Order Denying the Request to Maintain the Anonymity of DRC Employee No. 1 (ECF No. 2573). The Motion is DENIED for the following non-exclusive reasons:

1. S. D. Ohio Civ. R. 83.4(a) requires that "[e]ach filing made on behalf of such parties shall identify and be signed by the trial attorney." The Motion is not signed by Defendants' trial attorney.<sup>1</sup>
2. S. D. Ohio Civ. R. 7.2(a)(1) requires that each motion be accompanied by a memorandum of points and authorities. The Motion has no appended memorandum in support.
3. The Motion does not comply with S. D. Ohio Civ. R. 7.3.

Additionally, the Motion contains a request that ECF No. 2293 be maintained under seal.

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<sup>1</sup> For the importance the Court has placed on the trial attorney rule in this case, readers are directed to the disciplinary complaint filed against James Gibbons, former trial attorney for Cleveland Jackson in this case. It has been publicly reported that the filing of this disciplinary complaint was Governor DeWine's reason for reprieving Cleveland Jackson's execution from November 13, 2019, until January 2021.

Defendants should note that that document has never been placed under seal by court order and that the restrictions on public access to that document shown in the CM/ECF system were not placed there by an order of this Court.

The Motion is denied without prejudice to its renewal, in a form that corrects the above-referenced deficiencies, not later than 4:00 p.m. on Thursday, October 3, 2019.

October 1, 2019.

s/ *Michael R. Merz*  
United States Magistrate Judge